

discloses "an assembly comprising an expandable member (10) that is a stent and a sleeve (12 or 13) consisting of collagen (see column 1, lines 19-24)."

The Office also rejects claims 22-26, 28-32, 36, 37, 43, 49-57, 61, 66-72, 74-78, 81-83, 89, 94-96, 98-102, 106, and 111-172 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,681,345 (Euteneuer). The Office Action states that Euteneuer discloses "an assembly (10) comprising an expandable member (12, 14) that is a stent and a sleeve (16) consisting of collagen (see column 6, line 1)."

The rejections are respectfully traversed.¹ Each rejected claim requires, *inter alia*, tissue in combination with one of a deformable member, expandable member, or stent. Even if Buirge and Euteneuer disclose collagen in combination with an expandable member (as asserted by the Office), the use of collagen does not teach or suggest the use of tissue, as recited in the claims.

Collagen can be a component of tissue (along with other things, such as water). Collagen, however, is not tissue (water also is not tissue). For example, the definition attached as Exhibit A states that collagen is "a major component of the extra cellular matrix and connective tissues. Harvey Lodish et al., Molecular Cell Biology G-5 (Scientific American Books, Inc. 1988) (emphasis added). As another example, the definition attached as Exhibit B states that collagen is "a protein which helps to hold your body tissues together." *Cambridge International Dictionary of English* (2001), at http://dictionary.cambridge.org/define.asp?key=collagen*1+0. As is clear from those definitions, although collagen can be a component of tissue and can hold tissues together, collagen is not tissue.

Thus, it is respectfully submitted that the rejected claims are patentable over Buirge and Euteneuer. Accordingly, this application is believed to be in condition for allowance.

If Applicant has not accounted for any fees required by this Amendment, the Commissioner is hereby authorized to charge the missing fees to our Deposit Account No. 19-0741. If Applicant has not accounted for a required extension of time under 37 C.F.R.

¹ Applicant does not concede that Buirge or Euteneuer is prior art to the present invention.

§ 1.136, that extension is requested and the corresponding fee should be charged to our Deposit Account.

Respectfully submitted,

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Date

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